

EXHIBIT E

**From:** [Beth Wilkins](#)  
**To:** [Shortnacy, Michael \(SHB\)](#); [Wikler, Jeremy \(SHB\)](#); [Haider, Jay B. \(SHB\)](#); [Chris Cox](#)  
**Cc:** [Tiffany Ellis](#); [JoAnna Pollock](#); [Elyn Hurd](#); [Roopal Luhana](#)  
**Subject:** RE: Uber- May 1 filing re: safety data  
**Date:** Tuesday, April 29, 2025 9:42:00 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[RE Uber MDL - Discovery Set Two MC \(Uber's Revised Proposal\).msg](#)

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Michael and all,

To be clear, issues 1 through 4 below are directly related to the issues addressed with the Court during the April 24 status conference and the May 1 filing deadline that Judge Cisneros subsequently issued, specifically, Uber's incomplete responses to interrogatories 1 through 6. Plaintiffs remain hopeful that we can reach an agreement on these issues but if not, we will raise any remaining disputes on those matters with the Court on May 1. As your team is aware, the Court did not set any deadlines for exchanges of drafts and it would have been premature for Plaintiffs to send a draft before knowing Uber's position. We expected to hear Uber's position on these issues during our discussion yesterday, unfortunately, your team was not prepared to discuss whether Uber would provide any further response to interrogatories 1 through 6.

As to issues 5 through 8 below, despite the Court's Order to produce a witness to address these issues (ECF 2647), the witness Uber produced (Ms. McDonald) was unable to do so. Although we believe it is the most efficient use of the Court and the parties' time to address these matters together, we are willing to discuss an alternate schedule for discussing these matters in the hope of reaching an agreement or otherwise raising remaining disputes to the Court.

The resolution of these issues, as well as Uber's outstanding responses to other interrogatories (see attached), will affect whether Plaintiffs can proceed with the 30(b)(6) deposition of Ms. McDonald on May 6. We still have not received any response regarding the remaining outstanding discovery.

Thank you,  
Beth

**Beth Wilkins | Partner**  
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**From:** Shortnacy, Michael (SHB) <mshortnacy@shb.com>

**Sent:** Tuesday, April 29, 2025 8:59 PM

**To:** Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Beth Wilkins <Wilkins@chaffinluhana.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Chris Cox <christopher.cox@kirkland.com>

**Cc:** Tiffany Ellis <tellis@peifferwolf.com>; JoAnna Pollock <jpollock@simmonsfirm.com>; Ellyn Hurd <ehurd@simmonsfirm.com>; Roopal Luhana <Luhana@chaffinluhana.com>

**Subject:** RE: Uber- May 1 filing re: safety data

Counsel,

These new requests go far beyond anything previously raised, including in the JSR to the Court on which the Court granted limited leave for a PTO 8 motion were the parties not to agree. The Court directed the parties to submit their dispute (from the JSR) on May 1, if a dispute remained. Plaintiffs' raising these issues below on Monday afternoon when the joint PTO 8 letter brief filing is due Thursday is prejudicial to Defendants. Under the timing set by the Judge's order at the CMC and her subsequent minute order, and per PTO 8, Plaintiffs' joint letter portion was due last Friday, 4/25. Moreover, the overwhelming majority of your proposals below were not even part of the JSR discussion last week and none have anything to do with the topics on which Katy McDonald is set to testify about on May 6 (for the third full day in this litigation). For these reasons and because Plaintiffs have not timely provided their portion of any joint letter, we assume that Plaintiffs do not intend to submit one on May 1. To that end, Defendants reserve the right to seek additional relief from Judge Cisneros.

This having been said, and outside of the PTO 8 context, we are considering your new proposals and will meet and confer with you. To be clear, it is Defendants' position that these issues have no

bearing on Ms. McDonald's deposition dates next week.

Michael

**Michael B. Shortnacy**

*Partner*

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**From:** Wikler, Jeremy (SHB) <[JWIKLER@shb.com](mailto:JWIKLER@shb.com)>

**Sent:** Monday, April 28, 2025 9:26 PM

**To:** Beth Wilkins <[Wilkins@chaffinluhana.com](mailto:Wilkins@chaffinluhana.com)>; Haider, Jay B. (SHB) <[jhaider@shb.com](mailto:jhaider@shb.com)>; Chris Cox <[christopher.cox@kirkland.com](mailto:christopher.cox@kirkland.com)>

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**Subject:** RE: Uber- May 1 filing re: safety data

Looping in Michael.

**From:** Beth Wilkins <[Wilkins@chaffinluhana.com](mailto:Wilkins@chaffinluhana.com)>

**Sent:** Monday, April 28, 2025 8:06 PM

**To:** Wikler, Jeremy (SHB) <[JWIKLER@shb.com](mailto:JWIKLER@shb.com)>; Haider, Jay B. (SHB) <[jhaider@shb.com](mailto:jhaider@shb.com)>; Chris Cox <[christopher.cox@kirkland.com](mailto:christopher.cox@kirkland.com)>

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**Subject:** Uber- May 1 filing re: safety data

**EXTERNAL**

Jeremy, Jay, and Chris,

Thank you for the discussion today related to the May 1 filing. As promised and discussed during our call, below is a list of what Plaintiffs will need to resolve this issue. The May 2 date is set so that Plaintiffs will have time to review this information prior to Katy McDonald's May 6 deposition.

1. If Uber's experts will rely on any safety incident numbers or counts that are different than those provided to Plaintiffs on April 18, 2025 and April 23, 2025, Uber must disclose that information on or before May 2, 2025 and certify it under FRCP 33.
2. Uber's experts will rely only on the same safety incident data that has been produced to Plaintiffs through BDO.
3. Uber's experts will be required to work within the same BDO system to receive, review, and analyze data that Plaintiffs and their experts have been required to work within.
4. Uber must certify the information provided on April 28, 2025 and April 23, 2025 under FRCP

33.

5. On or before May 2, BDO will describe all methodology they used that modified the data in any way between receiving it from Uber and making it available to Plaintiffs, including all code used, and Uber will certify that information under FRCP 33.
6. On or before May 2, Uber will provide all communications between Uber and BDO regarding any changes that BDO made to the data.
7. On or before May 2, Uber will provide the query(ies) Uber used to collect the data that it provided to BDO for BDO to make available to Plaintiffs, and certify its response under FRCP 33.
8. On or before May 2, Uber will provide responses to the following questions and certify those responses under FRCP 33:
  - a. Within the data made available through BDO, how does a user count the number of drivers by category/subcategory in 2017 that were banned or deactivated from the app after a report of Sexual Assault or Sexual Misconduct reported by a rider?
  - b. Within the data made available through BDO, how does a user identify all Sexual Assault - Non-Consensual Sexual Penetration in 2017, that was a rider reporting a driver, where the driver was suspended?
  - c. Within the data made available through BDO, how does a user identify all Sexual Misconduct - Masturbation in 2017 occurring in Los Angeles that was a rider reporting a driver where the driver was suspended?
  - d. Within the data made available through BDO, how does a user identify all Sexual Misconduct - Stating or Leering in 2018, that was a rider reporting a driver, where the driver was given a warning?
  - e. Within the data made available through BDO, how does a user identify all drivers in the state of California during 2017 in which have had multiple reports against them for Sexual Misconduct where the subcategory contains Comments or Gestures in which their account was not banned.
  - f. Within the data made available through BDO, how does a user identify all drivers in 2017 who have had multiple reports against them for sexual violence that started with reports of Sexual Misconduct and then escalated to Sexual Assault at a later date for all incidents in the Dallas, Texas metropolitan area?
  - g. Within the data made available through BDO, how does a user count the number of incidents reported and make a list of all categories/subcategories reported against each driver, ordered by date of incident, in which the driver has multiple reports of Sexual Assault or Sexual Misconduct?
  - h. Within the data made available through BDO, how does a user identify the account status actions by trip\_uuid on the driver for all incidents in which the rider reported the driver for sexual violence that are only represented in Bliss for all incidents in

2017?

- i. Within the data made available through BDO, how does a user identify the account status actions by trip\_uuid on the driver for all incidents in which the rider reported the driver for sexual violence that are only represented in JIRA for all incidents in 2017?

Thank you,

Beth

**Beth Wilkins | Partner**

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